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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,579	06/12/2006	Robert Albertus Brondijk	NL031467	1765
24737 7590 09/04/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
CHOW, VAN NGUYEN				
ART UNIT		PAPER NUMBER		
2627				
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09/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,579

Applicant(s)

BRONDIJK, ROBERT ALBERTUS

Examiner

VAN T. PHAM

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/12/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

Drawings

The drawings are objected to because black boxes are required to be descriptively labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 7 is objected to because of the following informalities: "Mbs" should be changed to -- Mbps--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kayanuma US 6,341,109.

Regarding claim 1, Kayanuma discloses an optical disc for storing digital data, comprising a first storage area for storing a first type of digital data and a second storage area for storing a second type of digital data, each of the first and second areas comprising a user-data area, wherein the first and the second storage area are logically independent (see Fig. 10, user area (sectors 12-19) and Fig. 10, user area (sectors 0-7)), and wherein said first storage area has reading/writing capabilities for high-speed data without defect management, and said second storage area has reading/writing capabilities for data requiring defect management support and comprises at least one defect management area (see Fig. 10, defect management areas (sectors 3 and 5)) associated with said user data area of the second storage area for storing defect management data.

Regarding claim 2-7, discloses the optical disc according to claim 1, wherein the first type of data is real-time audio/video data incompatible with defect management, and the second type of data is digital data requiring defect management support (see Figs. 10-11); wherein each of the first and second areas has a logical zero, or its own

address space (see Figs. 10-11); the first and second areas of the disc are independently and accessibly fixedly defined (see Figs. 10-11); the first and second storage areas can be altered during use (inherently); and the disc has a nominal data transfer rate of 36 Mbs (see abstract).

Regarding claim 11, discloses a computer program product embodied on a computer-readable medium comprising computer-readable instructions to carry out the method according to claim 7 when executed by said computer (see Figs. 1, 10-11).

Regarding claims 8-9, see rejection above of claim 1.

Regarding claim 10, see rejection above of claim 11.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuno et al. US 2003/0210896.

Regarding claim 1, **Matsuno** discloses an optical disc for storing digital data, comprising a first storage area for storing a first type of digital data and a second storage area for storing a second type of digital data, each of the first and second areas comprising a user-data area, wherein the first and the second storage area are logically independent (see Fig. 1, user area A2 and user area A3) and wherein said first storage area has reading/writing capabilities for high-speed data without defect management, and said second storage area has reading/writing capabilities for data requiring defect management support and comprises at least one defect management area associated with said user data area of the second storage area for storing defect management data (see Fig. 1 and [0006]-[0007]).

Regarding claim 2-7, discloses the optical disc according to claim 1, wherein the first type of data is real-time audio/video data incompatible with defect management, and the second type of data is digital data requiring defect management support (see Fig. 1, area A3); wherein each of the first and second areas has a logical zero, or its own address space (see Fig. 1); the first and second areas of the disc are independently and accessible fixedly defined (see Fig. 1); the first and second storage areas can be altered during use (inherently); and the disc has a nominal data transfer rate of 36 Mbps (see abstract).

Regarding claim 11, discloses a computer program product embodied on a computer-readable medium comprising computer-readable instructions to carry out the method according to claim 7 when executed by said computer (see Figs. 1, 4).

Regarding claims 8-9, see rejection above of claim 1.

Regarding claim 10, see rejection above of claim 11.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujio et al. US 5,263,008, Ko et al. US 6,697,307 and Lee et al. US 7,092,327.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TAN Xuan DINH/
Primary Examiner, Art Unit 2627
August 29, 2008

/VAN T PHAM/
Examiner, Art Unit 2627